UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/603,792 | 06/24/2003 | Thomas A. Maufer | NVDA P000804 | 3473 |

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| EXAMINER |
|---|
| MOORE JR, MICHAEL J |

| ART UNIT | PAPER NUMBER |
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| 2419 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2"><strong><em>Advisory Action<br>Before the Filing of an Appeal Brief</em></strong></td><td><strong>Application No.</strong><br>10/603,792</td><td colspan="2"><strong>Applicant(s)</strong><br>MAUFER ET AL.</td></tr>
<tr><td><strong>Examiner</strong><br>MICHAEL J. MOORE, JR.</td><td><strong>Art Unit</strong><br>2419</td><td></td></tr>
</table>

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED <u>13 April 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

  b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b)☐ They raise the issue of new matter (see NOTE below);

  (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: _____.

  Claim(s) objected to: _____.

  Claim(s) rejected: <u>*3-17 and 23-27*</u>.

  Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Wing F. Chan/
Supervisory Patent Examiner, Art Unit 2419
4/23/09

/Michael J. Moore, Jr./
Examiner, Art Unit 2419

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claim 3, Applicant argues that Bilic does not teach "determining that the first packet fragment has a valid checksum" and rather teaches a checksum computation for an entire frame and not for each packet.

However, it is held that the checksum computation of a reassembled frame in Bilic includes a checksum computation of the first packet (fragment), as the IP header information of the first packet (fragment) is utilized in the checksum computation of the reassembled frame. As noted by Applicant, Bilic teaches that to ensure that a reassembled frame is valid, the processor computes the checksum of the frame and determines whether the computed checksum matches the checksum included in the header of the frame as spoken of on column 8, lines 48-53. Further, referring to Applicant's specification on page 50, paragraph 154, it is disclosed that at step 1201, a fragment is received and the IP packet identification as well as the IP source and destination addresses are obtained from the fragment in order to detect whether or not the fragment corresponds to another fragment already received in the buffer. Paragraph 154 continues on disclosing that if there is a match of this header information at step 1201, that at step 1205, "a checksum, namely, a checksum for a packet undergoing reassembly, for a received fragment is obtained and compared against a checksum of another fragment".

Examiner's understanding of this disclosure is that the checksum of a received fragment is compared to the checksum of a previously received fragment corresponding to the same packet to see if the checksums match. It is held that this comparison process would not work successfully if the entire IP header of each fragment were used in the checksum comparison due to the differing values of the fragment offset field. The differing values of the fragment offset field would cause the checksums of each of the fragments to be different such that every comparison would result in no match. Therefore, it is believed that the fields used in this disclosed comparison of the fragment headers would be only the fields that do not differ from fragment to fragment. This would include the IP identification field as well as the IP source and destination address fields, as these fields would remain constant throughout the individual fragments corresponding to a particular fragmented packet. This is further reason why it is held that the checksum computation of a reassembled frame in Bilic would include a checksum computation of a first packet (fragment) as the above IP identification field as well as the IP source and destination address fields are used in this computation.

Therefore, based upon the current claim language, it is held that Bilic teaches the above limitation in question.

Regarding claim 5, Applicant argues that Natanson does not teach to "generate an address resolution table (ART) index for an address resolution table entry that stores a media access control (MAC) address and MAC layer attributes" as claimed.

However, as provided in the Final Office Action, Natanson teaches a method of MAC address learning, where a hash table 76 is created, and where new entries are added (responsive to non-existence of entry) by adding the new MAC source address that functions as an index to a corresponding LEC_ID as spoken of on column 15, lines 46-54.

Natanson also teaches how two tables, an LE_ARP table having MAC (index) to ATM address mappings, and an LEC_ID table, having ATM address (index) to LEC_ID mappings, are used in conjunction to retrieve a particular LEC_ID corresponding to a MAC address (index) as spoken of on column 15, lines 55-60.

It is held that the above LE_ARP table contains MAC address to ATM address mappings, and that these entries may used as index values for obtaining their respective corresponding information.

Therefore, it is held that Natanson teaches the above limitation in question.

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